

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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In re: ) Chapter 7, No. 23-40709  
WESTBOROUGH SPE LLC )  
Debtor )  
\_\_\_\_\_  
)

**MOTION TO WITHDRAW CHAPTER 7 TRUSTEE'S MOTION TO  
COMPEL THE CALIFORNIA STATE CONTROLLER TO  
SURRENDER TO THE TRUSTEE PROPERTY OF THE ESTATE**

Now comes JONATHAN R. GOLDSMITH, the duly appointed, qualified and acting Trustee in the above-captioned case ("Trustee"), and he does hereby withdraw his Motion to Compel the California State Controller to Surrender to the Trustee Property of the Estate (Docket #78) ("Motion") and requests that the Court cancel the hearing thereon presently scheduled for **February 13, 2024 at 10:30 a.m.** In support thereof, the Trustee represents that subsequent to the filing of the Motion the Controller for the State of California turned over to the Trustee the unclaimed funds as noted in the Motion.

WHEREFORE, the Trustee respectfully requests that this Court:

1. Allow the Trustee to withdraw his Motion;
2. Cancel the hearing on the Motion presently scheduled for February 13, 2024, at 10:30 a.m.; and
3. For such other relief as is just and proper.

JONATHAN R. GOLDSMITH, TRUSTEE IN  
BANKRUPTCY FOR WESTBOROUGH SPE LLC

Dated: *2/12/24*

By: */s/ Jonathan R. Goldsmith, Esq.*

JONATHAN R. GOLDSMITH, ESQ.

(BBO No. 548285)

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**CERTIFICATE OF SERVICE**

I, JONATHAN R. GOLDSMITH, ESQ., of GOLDSMITH, KATZ & ARGENIO, P.C., 1350 Main Street, Suite 1505, Springfield, Massachusetts, do hereby certify that I have served a copy of the within Withdrawal upon those parties listed on the attached Exhibit "A" by electronic mail or by mailing, first class mail, postage prepaid, on this *12<sup>th</sup>* day of February, 2024.

*/s/ Jonathan R. Goldsmith, Esq.*  
JONATHAN R. GOLDSMITH, ESQ.

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